

A

# REVIEW OF THE STATE OF THE BRITISH NATION.

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Tuesday, March 25. 1712.

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I have been Challeng'd for Arrogance very openly, in the Subject I lately handled; relating to the Unalterableness of the Union; I shall say very little to the Charge, till the Opposers please to Answer my Argument, and I have seen so little said to it, that it would seem needless to fortifie it with more Strengths, till what I have said already is Confuted.

It is not for me to fly in the Face of the Parliament, and Arraign their Power, as these Men would fain provoke me to do—I have not yet seen the Parliament enter upon the previous Question, Whether it be in their Power to alter the Treaty of Union,

or no? If I say it is my Opinion they cannot, they have not, as yet, made my giving my Opinion Criminal, and therefore it is no Offence; if my giving my Opinion is no Offence, neither can my giving my Reason for that Opinion be an Offence; they are only Reasons for my private Opinion, I impose them upon no-body.

One Reason why I believe that the Parliament of Britain cannot alter the Union, is, because they did not make it, nor had they ever Power to make it; for it is most certain the Union made them, and was the Cause of the very Being, Constitution, and Power they now enjoy; Can the Child make

make the Parent ! Can the Vessel make the Potter ! Can the Sails of the Ship make the Wind ! So neither can the Parliament of Britain be said to make the Union ; as then they did not make it, so neither, AS I BELIEVE, let him that believes otherwise Confuse me, can they Dissolve it any more than they can dissolve themselves — And let any one tell me if this Parliament should declare the Union Dissolv'd, by what Right then do they remain an Assembly or Parliament ? And what Form of Government must succeed such a Revolution into a Politick Chaos ?

I shall not take upon me to say what would then be the State of Things, but this I may say, that whenever such a Thing shall come, that the Union should be broken and Dissolved — If the Separate Pre-existent Independency of both the Kingdoms does not revive and take place, then I know not what does, and should be glad to hear this Decided by the Supreme Authority of Britain, instead of our Insolent Jacobite Contenders, who soist in a Notion of the Supreme Power being able to do every Thing.

I know these are nice Things, I am as careful as I can of giving Offence in them, but as I see the Doctrine of the Alterableness of the Union advanc'd in Publick, and that, In order to Introduce the Ruin of that, which her Maj: stily so lately counted her Honour to have brought to pass, I cannot be silent.

But I stop not here, I have one Thing more to say yet, which perhaps none ever started before, and I wish in these Times of Fury and Parties, due weight were given to the Reasoning part of it.

I have hinted, that I had the Honour to be Concern'd, in the begining, as well as carrying on of the Treaty of Union ; I wish I may not live to call it my Misfortune ; I remember when a Treaty before the last was set on Foot, when some People of known Aversion to the late Article of Settling the Church, and indeed to most other Protestant Settlements, stood pretty near the Helm

with their Nottingham Pockets : I remember how that Treaty dwindled into Nothing, because the two Parties could come to no Medium for the keeping the two Churches Independent of one another, nor for bringing them together.

Now in order to remove this invincible Obstacle in the second Treaty, it was Agreed before-hand, that the Matters relating to the respective Churches, should not be Treated of at all, and consequently the Commissioners on both Sides were not only not Empower'd to Treat of them, but they were expressly forbid and prohibited by the Acts of Parliaments, both in England and Scotland, from Treating of the Church Affairs ; nay, the Queen herself was not Empower'd to name Commissioners, but with this Restriction, as appears, viz. In Scotland, by the 4th Act, the 3d Session, the 1st Parliament of Queen Anne, Entitl'd Act for a Treaty with England, the last Clause is in these Words ; Providing also that the said Commissioners shall not Treat of, or concerning any Alteration of the Worship, Discipline, or Government of the Church of this Kingdom, as by Law Establish'd ; likewise in England 3. Anna, cap. 7. s. 12, these Words are expressly Enacted, Prohibited always and be it Enacted and Declared by the Authority aforesaid, that the Commissioners to be named in pursuance of this Act, shall not, by Virtue of such Commission, Treat of, or concerning any Alteration of the Liturgy, Rites, Ceremonies, Discipline, or Government of the Church, as by Law Established, within this Realm. I think this is as plain as Words and Laws can make it.

The several Church-Establishments then, being thus left out of the Commission, I humbly conceive that the Treaties had no Power to act about them farther : I humbly conceive, that whatever Power was Establish'd, or Constitution Formed by that Treaty, receiv'd no Power to act or do any Thing, to alter the Respective Church-Establishments, and either Nation having afterwards incorporated

corporated their Separate Church-Constitutions into the Union, *not as by Treaty*, mark that, but as a farther ascertaining their Independent Existence ; no Parliament, *which was the Effect of that Treaty*, can Repeal, Alter, or Dissolve those Acts of Security, without an entire Infraction of the Treaty itself, and doing what they are expressly ty'd up from, as well by the Treaty as by the Powers before-hand, granted by the Respective Parliaments of each Kingdom, in order to Treat.

Certainly no Treaty can be made farther than the Commissioners appointed were vested with Power to Treat : Our Treators were on either side expressly Limited, and therefore they were not Plenipotentiaries or Ambassadors, but Commissioners *ad referendum* ; nothing they did was to be of Force till Ratified in Parliament ; nor had the Queen Power to Commission them to Treat of Church-Affairs, the Acts of Parliament in both Kingdoms declaring the contrary.

Their Power being thus Limited, the Church Affair never was Disputed in the Treaty, but either Party was left to Settle and Establish their own Respective Churches, and the Privileges, Powers, and Constitutions thereof, in such a manner, as to be out of the Power of any Constitution which the said Treaty should Establish, to Alter or Dissolve.

If this be true, then I think it is an Unanswerable Consequence, that no Constitution which is produced and Established by the Union, can touch, alter, or rescind any part of the Church-Constitution on either Side, and that if they do, they break the Union.

I am persuaded the Parliament now sitting, will allow this to be Truth, Justice, and Law, nor do I say they will in the least deviate from it ; but I would gladly hear this answer'd by those New Constitution Invaders, who have laid their Plot to Over throw the Constitution of the Church of Scotland, and therein, the Union itself, and in-order to it, build this corrupt System

as a Castle in the Air, viz. That the Union is Alterable by the British Parliament.

It seems to me a Marvellous Assurance, that these People are more forward to do the Thing, than to prove it Lawful ; to appear in the Practice, than justify the Lawfulness of it ; and it is a Sign to me, that they depend more upon the Power and Influence of their Party at this unhappy Juncture, than upon the Justice and Legality of what they are doing.

Why else do they not tell us what the Parliament of England and Scotland meant, when, in the Union-Article they say, The Church of England Unalterably Settled, and the Church of Scotland Unalterably Settled, Article 25. Why do they not tell us what they meant, when they said Alterable nevertheless by the Parliament of Great Britain ; Article 19. Will they tell us who made the Parliament of Great Britain ? Was it not the respective Parliaments of England and Scotland by mutual stipulation ? Will they tell us did those respective Parliaments Communicate to the said Parliaments all their Powers ? I Answer, No, they had a Power, not to have form'd this Parliament of Britain at all ; that Power they never Communicated ; they had a Power to have Alter'd the Church-Constitutions, this Power they declare they did not Communicate, in these Words, *Unalterably Settled*, and *without any Alteration to all succeeding Generations*, Article 25. The Words are English, I can see no double Entendre in them — Let these Men come to the Words, and tell us the meaning of them, if this be not.

As then I do not believe the Parliament can alter the Union, so I resolve not to believe they will, till I see it done ; for it will be very hard to make me believe a British Parliament will do any Thing against the Constitution, and therefore when I say CAN and CANNOT, I am always to be understood can, or cannot LEGALLY, for speaking Parliamentarily, the Parliament are said not to be able to do, what they cannot Legally do.

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